

tion roads shall be used by the Secretary or the Secretary of the Interior to pay for the cost of construction and improvement thereof. In connection therewith, the Secretary and the Secretary of the Interior, as appropriate, may enter into construction contracts and such other contracts with a State or civil subdivision thereof or Indian tribe as deemed advisable." and "section 504(b)" for "section 326".

Subsec. (e). Pub. L. 105-178, §1115(d)(3), substituted "Secretary of the appropriate Federal land management agency" for "Secretary of the Interior" in first sentence.

Subsec. (h)(8). Pub. L. 105-178, §1115(d)(4), added par. (8).

Subsec. (i). Pub. L. 105-178, §1115(d)(5), added subsec. (i) and struck out heading and text of former subsec. (i). Text read as follows: "The Secretary shall transfer to the Secretary of the Interior from the appropriation for public land highways amounts as may be needed to cover necessary administrative costs of the Bureau of Land Management in connection with public lands highways."

Subsec. (j). Pub. L. 105-178, §1115(d)(6), substituted second sentence for former second sentence which read as follows: "The Indian tribal government, in cooperation with the Secretary of the Interior, and, as may be appropriate, with a State, local government, or metropolitan planning organization, shall develop a transportation improvement program, that includes all Indian reservation road projects proposed for funding."

Subsec. (k). Pub. L. 105-178, §1115(e)(4), added subsec. (k).

1991—Subsec. (a). Pub. L. 102-240, §1032(b)(1), struck out "forest highways," before "public lands highways" and inserted provisions requiring Secretary, in cooperation with Secretaries of the Interior and Agriculture, to develop transportation planning procedures and safety, bridge, and pavement management systems for roads funded under Federal Lands Highway Program, and provisions prohibiting public lands highway projects from being undertaken in any State pursuant to this section unless State concurs in selection and planning of project.

Subsec. (b). Pub. L. 102-240, §6004(c), inserted at end "The Secretary of Interior may reserve funds from the Bureau of Indian Affairs' administrative funds associated with the Indian reservation roads program to finance the Indian technical centers authorized under section 326."

Pub. L. 102-240, §1032(b)(2)(B), (C), struck out "forest highways and" before "public lands highways" and inserted at end "Funds available for each class of Federal lands highways shall be available for any kind of transportation project eligible for assistance under this title that is within or adjacent to or provides access to the areas served by the particular class of Federal lands highways."

Pub. L. 102-240, §1032(b)(2)(A), substituted "planning, research, engineering and construction thereof" for "construction and improvements thereof" and was executed by making the substitution for the first reference to "construction and improvement thereof" to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 102-240, §§1030, 1032(b)(3), substituted "eligible for funds apportioned under section 104 or section 144 of this title" for "on a Federal-aid system" and inserted at end "Notwithstanding any other provision of this title, Indian reservation roads under the jurisdiction of the Bureau of Indian Affairs of the Department of the Interior shall be eligible to expend not more than 15 percent funds apportioned for Indian reservation roads from the Highway Trust Fund for the purpose of road sealing projects. The Bureau of Indian Affairs shall continue to retain responsibility, including annual funding request responsibility, for road maintenance programs on Indian reservations."

Subsecs. (h) to (j). Pub. L. 102-240, §1032(b)(4), added subsecs. (h) to (j) and struck out former subsec. (h) which read as follows: "Funds available for each class of Federal lands highways shall be available for adjacent vehicular parking areas and scenic easements."

1987—Subsec. (b). Pub. L. 100-17, §133(b)(13), inserted "the Secretary or" after "used by" in second sentence.

Subsec. (e). Pub. L. 100-17, §133(b)(14), struck out "of 1975" after "Education Assistance Act".

1983—Pub. L. 97-424 substituted "Federal Lands Highways Program" for "Forest highways" in section catchline.

Subsecs. (a), (b). Pub. L. 97-424 added subsec. (a), redesignated former subsec. (a) as (b), inserted reference to public lands highways, inserted "and improvement" after "construction", inserted reference to reservations, Indian tribes, and the Secretary of the Interior, and inserted provision that funds available for park roads, parkways, and Indian reservation roads shall be used by the Secretary of the Interior to pay for the cost of construction and improvement thereof. Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 97-424 added subsec. (c). Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 97-424 redesignated former subsec. (b) as (d) and substituted provision that cooperation may be accepted in construction and improvement, and that any funds received from a State, county, or local subdivision be credited to appropriations available for the class of Federal lands highways to which such funds were contributed, for provision that cooperation may be accepted but may not be required by the Secretary. Former subsec. (d) redesignated (f).

Subsec. (e). Pub. L. 97-424 redesignated former subsec. (c) as (e) and substituted provisions relating to competitive bidding and preference for Indians for provisions that construction estimated to cost \$5,000 or more per mile, exclusive of bridges, was to be advertised and let to contract, that if such estimated cost was less than \$5,000 per mile or if, after proper advertising, no acceptable bid was received or the bids deemed excessive, the work might be done by the Secretary on his own account, and that for such purpose, the Secretary might purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and might pay wages, salaries, and other expenses for help employed in connection with such work. Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 97-424 redesignated former subsec. (d) as (f), inserted reference to each class of Federal lands highways and to agreements, and substituted reference to the Secretary of the appropriate Federal land management agency for reference to the Secretary of Agriculture. Former subsec. (f) redesignated (h).

Subsec. (g). Pub. L. 97-424 redesignated former subsec. (e) as (g) and substituted "forest highways" for "forest-highway program".

Subsec. (h). Pub. L. 97-424 redesignated former subsec. (f) as (h), substituted reference to each class of Federal lands highways for reference to forest highways, and reference to scenic easements for reference to sanitary, water, and fire control facilities.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by sections 1030 and 1032 of Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

### § 205. Forest development roads and trails

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the costs of construction and maintenance thereof, including roads and trails on experimental and other areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$50,000 or more per mile or \$50,000 or more per project for projects with a length of less than one mile, exclusive of bridges and engineering, shall be advertised and let to contract. If such estimated cost is less than \$50,000 per mile or \$50,000 per project for projects with a length of less than one mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 907; Pub. L. 86-657, §8(c), July 14, 1960, 74 Stat. 524; Pub. L. 88-423, §4(d), Aug. 13, 1964, 78 Stat. 398; Pub. L. 90-495, §9, Aug. 23, 1968, 82 Stat. 820; Pub. L. 102-240, title I, §1032(c), Dec. 18, 1991, 105 Stat. 1975.)

#### AMENDMENTS

1991—Subsec. (c). Pub. L. 102-240 substituted “\$50,000” for “\$15,000” wherever appearing.

1968—Subsec. (c). Pub. L. 90-495 increased from \$10,000 to \$15,000 the cost limitation on construction per mile, or per project for projects of less than a mile, which the Forest Service may construct on its own account and struck out provisions spelling out the functions which the Secretary of Agriculture is authorized to perform in carrying out such construction.

1964—Subsec. (a). Pub. L. 88-423 inserted “and other” after “experimental”.

1960—Subsec. (a). Pub. L. 86-657 substituted “may enter into contracts” for “may enter into construction contracts”.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-495 effective Aug. 23, 1968, see section 37 of Pub. L. 90-495, set out as a note under section 101 of this title.

### § 206. Recreational trails program

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) **MOTORIZED RECREATION.**—The term “motorized recreation” means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

(2) **RECREATIONAL TRAIL.**—The term “recreational trail” means a thoroughfare or track across land or snow, used for recreational purposes such as—

(A) pedestrian activities, including wheelchair use;

(B) skating or skateboarding;

(C) equestrian activities, including carriage driving;

(D) nonmotorized snow trail activities, including skiing;

(E) bicycling or use of other human-powered vehicles;

(F) aquatic or water activities; and

(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

(b) **PROGRAM.**—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails.

(c) **STATE RESPONSIBILITIES.**—To be eligible for apportionments under this section—

(1) the Governor of the State shall designate the State agency or agencies that will be responsible for administering apportionments made to the State under this section; and

(2) the State shall establish a State recreational trail advisory committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year.

(d) **USE OF APPORTIONED FUNDS.**—

(1) **IN GENERAL.**—Funds apportioned to a State to carry out this section shall be obligated for recreational trails and related projects that—

(A) have been planned and developed under the laws, policies, and administrative procedures of the State; and

(B) are identified in, or further a specific goal of, a recreational trail plan, or a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.), that is in effect.

(2) **PERMISSIBLE USES.**—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

(A) maintenance and restoration of existing recreational trails;

(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

(C) purchase and lease of recreational trail construction and maintenance equipment;

(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

(i) permissible under other law;

(ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.) and that is in effect;

(iii) approved by the administering agency of the State designated under subsection (c)(1); and

(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the